17-0282-ADC

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DISTRICT OF MARYLAND
BY DEPUTY

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent Shayne E. Buchwald, being first duly sworn, hereby depose and state as follows:

PURPOSE OF THE AFFIDAVIT

1. This affidavit is submitted in support of search warrants pertaining to violations of Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), and 1519 (falsification of records in bankruptcy).

2. This affidavit is made in support of an application for a warrant to search the following:

a) **Hewlett-Packard Pavilion Entertainment PC dv6000, Serial Number: CNF7326113**
b) **Hewlett- Packard Compaq 5008 MT; Serial Number: 00186-038-927-332**
c) **DELL PowerVault RD 1000, Serial Number: 46C1997YL102101804A**
d) **Lenovo, Type 2242-8RU, Serial Number: 00186-030-448-703**
e) **Lenovo, Type 2242-8RU, Serial Number: 00186-030-448-729**
f) **Lenovo, Type 2242-8RU, Serial Number: 00186-030-448-697**
g) **Lenovo, Type 2242-8RU, Serial Number: 00186-030-448-689**

(hereinafter referred to as the **"Target Computers"** located at the offices of the Federal Bureau of Investigation, Baltimore Division, 2600 Lord Baltimore Drive, Baltimore, Maryland. Your Affiant submits that there is probable cause to search the Target Computers for evidence of violations Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), and 1519 (falsification of records in bankruptcy). The Target Computers are to be searched for evidence in accord with the protocol described in Attachment A to this warrant, which is incorporated by reference.

3. This statement of probable cause is based on an investigation into fraudulent activity that occurred from approximately July 2012 through October 2013. Pursuant to this

JTM 2014R00177

investigation, I have discovered evidence that Eric Myles Gordon ("Gordon") has committed offenses in violation of Title 18, United States Code, Sections 1349, 1519, 1956, and 2.

AGENT BACKGROUND

4. Your Affiant is a Special Agent with the Federal Bureau of Investigation ("FBI"), and has been a Special Agent since 2002. I have participated in a vast array of criminal investigations to include drug violations, violent crime, interstate theft and misuse of public office. In part, your Affiant has authored and has been the case agent on wire and oral intercept affidavits as well as Global Positioning and search warrants. Those investigations have led to the recovery of evidentiary items to include illegal drugs, weapons, stolen property, financial property, and related items as well as indicia of those involved. In addition, your Affiant has debriefed and participated in the debriefings of defendants, informants, and witnesses who had personal knowledge of criminal organizations.

5. Currently, your Affiant is assigned to a Complex Financial Crimes (CFC) Squad, and has conducted or participated in the execution of both search and arrest warrants. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to white collar crime, including mail, wire, and bank fraud, as well as aggravated identity theft.

6. The facts in this affidavit come from your Affiant's personal observations, training and experience, and information obtained from other agents and witnesses. Since this affidavit is being submitted for these limited purposes, your Affiant have not included each and every fact known to me concerning this investigation. I have set forth only the facts believed to be necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violations set forth above. The statements in this affidavit are based in part on information provided by other law enforcement officers and on your Affiant's experience and background as an investigator.

PROBABLE CAUSE

7. This investigation originated in December 2013, due to a referral from the Office of the United States Trustee, by Mark A. Neal, Assistant United States Trustee, ("UST Neal"), District of Maryland, Baltimore Division.

8. On December 12, 2013, UST Neal referred senior claims adjuster and bond claim attorney, "S.S.", for the suspected embezzlement of over $2.5 million dollars from his employer, Hanover Insurance Company (a NYSE publically traded company). S.S. funneled the embezzled monies through a number of entities to include one entity, RHSI, LLC, which was owned and controlled by Gordon, a debtor in a bankruptcy case. The investigation determined that over $545,000 was laundered by Gordon for Stevens through RHSI. The investigation also indicated that Gordon had made false statements and submitted a false document (bridge loan) in an effort to explain away and conceal the true nature and source of the funds.

9. On June 14, 2016, a Federal Grand Jury handed up an indictment charging Gordon with violations of Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), 1519 (falsification of records in bankruptcy), and 2 (aiding and abetting), as well as a forfeiture allegation. See JFM 15-02. The matter is set for a jury trial to commence on March 20, 2017.

10. Recent review of bankruptcy records disclosed a reference to several computer devices that were provided to Bankruptcy Trustee Lori Simpson by Gordon which were requested in connection with Gordon's bankruptcy petitions. From review of various filings in the bankruptcy proceedings, it appears that Gordon provided the Target Computers to Trustee Simpson in or about March of 2013. Simpson was the Trustee appointed relating to Gordon's Chapter 7 petition in bankruptcy filed on behalf of his business, Gordon Institute of Sports

Performance ("GISP"), in July of 2012. Simpson ultimately resigned from her Trustee position on January 15, 2014. Upon Simpson's resignation, Richard Kremen, of DLA Piper, was appointed as Trustee of the GISP Bankruptcy Estate. Kremen had been previously appointed as the Chapter 7 Trustee on Gordon's personal bankruptcy petition.

11. On January 17, 2017, Regan La Testa, an attorney at DLA Piper, was contacted by your Affiant in regard to the Target Computers. La Testa advised that she was in possession of the Target Computers and had maintained them at the DLA Piper office located at 6225 Smith Avenue, Baltimore, Maryland 21209. La Testa informed that the Target Computers had not been forensically analyzed.

12. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), 1519 (falsification of records in bankruptcy), as well as 2 (aiding and abetting), have been committed by Gordon. There is also probable cause that evidence of these offenses will be found on the Target Computers. The Target Computers are computers that Gordon had access to and were associated with his businesses (Gordon Institute for Sports Performance and Gordon Institute for Human Performance) in 2012 and early 2013, during the time frame relevant to the ongoing investigation. Therefore, there is probable cause to believe that the computers contain evidence of the above offenses, specifically references to bank accounts, transfers of money, the corporate entity RHSI, as well as communications with others and documents pertaining to same, further enumerated in Attachment A.

13. On August 4, 2016, a search warrant was authorized for Gordon's previous residence, located at 2628 Greenspring Valley Road, Owings Mills. See 16 1982 ADC. As a

result, computers and digital evidence were seized from the residence. Forensic review of those items has disclosed communications relevant to the charges enumerated above and the ongoing investigation.

14. The Target Computers previously provided in connection with the bankruptcy proceeding were turned over to the FBI on January 23, 2017. The Target Computers are presently secured at the FBI and to date, no attempt has been made to access or analyze them. The Target Computers are to be searched for evidence described in Attachment A and in accord with the procedure, also described in Attachment A, which is incorporated by reference.

EXPERTISE REGARDING RECORDS & EVIDENCE OF FRAUDULENT ACTIVITIES

15. Based on the training, knowledge, experience, and participation gained in other financial investigations involving fraudulent activities, your affiant knows the following characteristics of individuals involved in wire and check fraud and identity theft schemes:

a. Individuals maintain records, receipts, notes, ledgers, airline tickets, money orders, and other papers relating to financial institution fraud. That such records, receipts, notes, ledgers, etc., are maintained within their residences, in their vehicles, and on their person where they have ready access to them;

b. The terms "records," "documents," and "materials" include all of the items described in Attachment A in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices, as more fully described in Attachment A.

c. Individuals maintain the records of fraudulent transactions as conventional business records, and as such, these records are maintained over an extended period of time, including time periods long after any particular transaction or financial transaction is completed.

d. Individuals commonly have close associates who assist within the group to forge signatures, assist with mailing, utilize their address for receipt of mail and utilize their addresses as return addresses, all as part of a scheme to disguise the true locations and participants involved.

e. Individuals commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses and/or telephone numbers of their associates in their organizations;

f. Individuals often store their possessions, to include proceeds of a crime and contraband, at their residence, on their person, on their mobile phones, and in their vehicles. The scheme outlined in this affidavit shows numerous transactions and purchases of merchandise from retail locations, as well as the returning of these items for gift cards. Materials obtained are likely to be stored in an individual's residence, commonly-used vehicles, and mobile phones.

g. I know through my knowledge, training, and expertise that individuals may keep records of illegal activity on personal computers and a hard disk drive.

CONCLUSION

16. Based on the above information, there is probable cause to believe that the Target Computers, identified above and in Attachment A, have been used in the commission of a crime and constitute evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 1349, 1519, 1956, and 2. I further know that internet search histories, pictures, text documents, and other media can be preserved on a laptop computer. I believe that the Target Computers, provided by Gordon, contain evidence of the planning and commission of the aforementioned violations. Based on the above information and on my training, knowledge, and experience, I believe that the information and data sought in this search warrant with respect to the subject computers will constitute evidence, fruits, and/or instrumentalities set forth more particularly in Attachment A, relating to violations of Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), 1519 (falsification of records in bankruptcy), and 2 (aiding and abetting).

17. I therefore seek the issuance of the search warrant authorizing the search of the Target Computers and permitting the search of the items described more particularly in

Attachment A and that such warrant authorize agents from the FBI to conduct a forensic search of said property for the items noted in Attachment A.

Respectfully submitted,

Special Agent Shayne E. Buchwald
Federal Bureau of Investigation

Subscribed and sworn to before me on January 27th, 2017.

The Honorable A. David Copperthite
UNITED STATES MAGISTRATE JUDGE

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ATTACHMENT A

The Target Computers, specifically:

a) Hewlett-Packard Pavilion Entertainment PC dv6000, Serial Number: CNF7326113
b) Hewlett- Packard Compaq 5008 MT; Serial Number: 00186-038-927-332
c) DELL PowerVault RD 1000, Serial Number: 46C1997YL102101804A
d) Lenovo, Type 2242-8RU, Serial Number: 00186-030-448-703
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Are to be searched for the following items, which may be seized:

All records, documents, items, data and other information that may constitute fruits or instrumentalities of, or contain evidence related to, violations of Title 18, United States Code, Sections 1349 (mail and wire fraud), 1956(h) (money laundering conspiracy), 1519 (falsification of records in bankruptcy), 2 (aiding and abetting) and forfeiture allegations; including, but not limited to, the following:

1. Notes, documents, records, or correspondence pertaining to the above-listed criminal activity, including:

    a. Internet browsing and related activity;
    b. Photographs, videos, and other files relating to the execution or planning of criminal activity; and
    c. Call logs;
    d. Mail, email, text messages, and other forms of communication;
    e. GPS data during the planning and execution of the criminal activity; and
    f. Indicia of ownership;
    g. Financial receipts and documents, including books, records, receipts, bank statements, and bank records, ATM/Debit cards, money drafts, letters of credit, wire transfers, money orders, and cashier check, pass books, bank checks, and any other items evidencing the obtaining, secreting, transfer, concealment and/or expenditure of money;
    h. Any RHSI documents and other related material;
    i. Contact lists, address and/ or telephone lists, reflecting names, addresses, social Security numbers, dates of birth, and telephone numbers, books, records, receipts, notes and ledgers;
    j. Any/all financial and tax documents;

2. With respect to the search of any of the items described in paragraph 1 above which are stored in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer with the aid of computer-related equipment (including floppy diskettes, fixed hard disks, or removable hard disk cartridges, software or memory in any form), the search procedure may include the following techniques (the

following is a non-exclusive list, and the government may use other procedures that, like those listed below, minimize the review of information not within the list of items to be seized as set forth herein, while permitting government examination of all the data necessary to determine whether that data falls within the items to be seized):

a. surveying various file "directories" and the individual files they contain (analogous to looking at the outside of a file cabinet for markings it contains and opening a drawer believed to contain pertinent files);

b. "opening" or cursorily reading the first few "pages" of such files in order to determine their precise contents;

c. "scanning" storage areas to discover and possible recover recently deleted files;

d. "scanning" storage areas for deliberately hidden files; or

e. performing key word searches or other search and retrieval searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are intimately related to the subject matter of the investigation.

3. If after performing these procedures, the directories, files or storage areas do not reveal evidence that is seizable under this warrant, the further search of that particular directory, file or storage area, shall cease.